

### **REMARKS**

Applicants note that all amendments, cancellations, and additions of Claims presented herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),<sup>1</sup> and without waiving the right to prosecute the cancelled claims (or similar claims) in the future.

The Examiner has objected to the disclosure as containing embedded hyperlinks (Office Action, pg. 6). The Applicants have amended the specification to remove the hyperlinks. As such, the Applicants respectfully request that the objection be withdrawn.

The Examiner has objected to Claims 74 and 75 as being dependent on a rejected base claim but otherwise being allowable (Office Action, pg. 6). The Applicants has addressed the rejection of base claim 73 below and believe that Claim 73 is now allowable.

In the office action dated 7/11/05, the Examiner made several rejections. The rejections are listed below in the order in which they are herein addressed.

I) Claims 1-16, 18 and 20 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement;

II) Claims 1-16, 18, 20, 26-32, 34, 44, and 55-57 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite;

III) Claim 58 is rejected under 35 U.S.C. 102(b), as allegedly being anticipated by Opiteck et al. (Anal. Chem. 69:1518 [1997]; hereinafter Opiteck); and

IV) Claims 1-15, 18, 20, 33, 35, 39-43, 48, 50, 73, 76, 77, 80-86 and 91 are provisionally rejected under the judicially created doctrine of obviousness type double patenting over claims 1-15, 18-35 and 37-47 of copending application number 09/968,930.

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<sup>1</sup> 65 Fed. Reg. 54603 (Sept., 8, 2000).

**I. The Claims are Supported by Proper Written Description**

Claims 1-16, 18 and 20 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement (Office Action, pg. 2). In particular, the Examiner states: "This lack of sample relationship to the buffer is NEW MATTER compared to the buffer practice in claim 17." (Office Action, pgs. 2-3). The Applicants respectfully disagree with the rejection and submit that the claims do not contain new matter. Nonetheless, in order to further the business interests of the Applicants and while reserving the right to prosecute the original (or similar) claims in the future, the Applicants have amended Claim 1 to state that the sample is dissolved in the buffer, as stated in canceled Claim 17. As such, the Applicants submit that the claims contain no new matter and respectfully request that the rejection be withdrawn.

**II. The Claims are Not Indefinite**

Claims 1-16, 18, 20, 26-32, 34, 44, and 55-57 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite (Office Action, pg. 3). The Examiner states "Claims 26-32, 34, 44, and 55-57 are vague and indefinite as to what limitations are meant therein due to their dependence directly or indirectly from a canceled claim." (Office Action, pg. 3). The Applicants have canceled Claims 26-32, 33 and 55-57 and amended Claim 34 to depend on a non-canceled claim (Claim 33). As such, the rejection is moot.

**III. The Claims are not Anticipated**

Claim 58 is rejected under 35 U.S.C. 102(b), as allegedly being anticipated by Opiteck (Office Action, pg. 4). The Applicants respectfully disagree and submit that Claim 58 is not anticipated by Opiteck. Nonetheless, in order to further the business interests of the Applicants and while reserving the right to prosecute the original (or similar) claims in the future, the Applicants have canceled Claim 58. As such, the rejection is moot.

**IV. The Claims are not Subject to Double Patenting**

Claims 1-15, 18, 20, 33, 35, 39-43, 48, 50, 73, 76, 77, 80-86 and 91 are provisionally rejected under the judicially created doctrine of obviousness type double patenting over Claims

1-15, 18-35 and 37-47 of copending application number 09/968,930. The Applicants will submit a terminal disclaimer upon allowance of the claims at issue.

**CONCLUSION**

If a telephone interview would aid in the prosecution of this application, the Examiner is encouraged to call the undersigned collect at (618) 218-6900.

Dated: October 11, 2005

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